

HOUSE BILL 873

By Love

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to marijuana.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-418(a), is amended by deleting the subsection and substituting instead:

(1) It is an offense for a person to knowingly possess or casually exchange a Schedule I, II, III, IV, or V controlled substance, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish), unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.

(2) It is an offense to knowingly possess, casually exchange, or distribute a Schedule VI controlled substance in an amount in excess of one ounce (1 oz.), unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice; provided, that this subdivision (a)(2) shall not apply to a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish).

SECTION 2. Tennessee Code Annotated, Section 39-17-418(c), is amended by deleting the subsection and substituting instead:

(c)

(1) Except as provided in subsections (d) and (e):

(A) A violation of subdivision (a)(1) is a Class A misdemeanor;

and

(B) A violation of subdivision (a)(2) is a Class C misdemeanor punishable by a fine in the amount of one hundred dollars (\$100). Each violation constitutes a separate offense.

(2)

(A) A violation of subdivision (a)(1) with respect to any amount of methamphetamine shall be punished by confinement for not less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty-day minimum.

(B)

(i) The thirty-day minimum sentence required by subdivision (c)(2)(A) shall not be construed to prohibit a person sentenced pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services.

(ii) Any person participating in such a court may receive sentence credit for up to the full thirty-day minimum required by subdivision (c)(2)(A).

SECTION 3. Tennessee Code Annotated, Section 39-17-418, is further amended by deleting subsection (b) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-418(d), is amended by deleting the language “subsections (a) or (b)” and substituting instead “subsection (a)”.

SECTION 5. Tennessee Code Annotated, Section 39-17-418(e), is amended by deleting the language “two (2)” and substituting instead “three (3)”.

SECTION 6. Tennessee Code Annotated, Section 39-17-418(f), is amended by deleting the language “may be required to perform” and substituting instead “shall be required to perform”.

SECTION 7. Tennessee Code Annotated, Section 39-17-417(g)(1), is amended by deleting the language “one-half (1/2) ounce (14.175 grams)” and substituting instead “one ounce (28.35 grams)”.

SECTION 8. This act shall take effect July 1, 2015, the public welfare requiring it.